

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:21-CV-136-D

WHITNEY O'TOOLE,

Plaintiff,

v.

SCOTT SABATINO, individually and in his  
official capacity as the Director of Johnston  
County Social Services, et al.,

Defendants.

**ORDER**

For the reasons stated in defendants' memorandum of law in support of their motion to dismiss [D.E. 12], defendants are entitled to qualified immunity concerning the due process claims against them in their individual capacities. See id. at 6–15. Moreover, plaintiff's civil conspiracy claim fails due to the intracorporate conspiracy doctrine. See id. at 15–17. Plaintiff's failure to implement appropriate policies, customs, and practices claim fails under Monell v. Department of Social Services of New York, 436 U.S. 658, 691 (1978), and its progeny. See [D.E. 12] 17–20. Finally, plaintiff's First Amendment claim fails for the same reasons that her due process claims fail. See id. at 20. Accordingly, the court GRANTS defendants' motion to dismiss [D.E. 11] and DISMISSES plaintiff's complaint WITH PREJUDICE.

SO ORDERED. This 15 day of June 2021.

  
JAMES C. DEVER III  
United States District Judge